

REMARKS

In response to the Office Action mailed on March 25, 2008, Application responds as follows. Claims 38 and 39 have been amended to better claim the subject matter of the present invention. Claims 45, 81 and 83 have been amended to overcome some informalities as kindly pointed out by the Examiner and with respect to claim 81 the amendment corrects some section 112 concerns expressed by the Examiner. Applicant has amended the specification to remove the hypertext links complained of by the Office Action.

The Office Action has rejected claim 81 under 35 USC Section 112 as being indefinite. Applicant has, as noted above, amended the dependency of claim 81 so that it is now correctly dependent on claim 80; further, additional limitations have been included for better clarity. It is believed that any indefiniteness has been removed by these amendment.

The Office Action has rejected claims 38-40, 43, 45, 79, 80 and 83-86 under 35 USC Section 102(e) as being anticipated by McGivern (U.S. Patent No. 6,952,881). Applicant believes that the present invention as shown in these claims, and as presently amended, is not taught by McGivern.

Specifically, McGivern discloses a sight for a hunting bow. The sight includes a power source and an LCD display. A beam splitter is used to provide a "heads-up"

display, reflecting light from the LCD display to overlay the target. The sight may also include a level sensor (column 3 line 44 to column 4 line 19; also column 8 lines 3 to 8).

The Office Action relies mainly on the disclosure of a "power saving mode" at column 3 lines 28 to 35, column 7 line 56 to column 8 line 2 for this rejection. However, the device of the present invention, as now claimed, is quite distinct from the teachings of McGivern. First, McGivern relates to the field of hunting sights. A hunting sight is intended to assist a hunter in hitting a target. In contrast, the Applicant's instrument is intended for capture of an image and positioning data. In particular, Applicant's claimed instrument captures an image of a target and also captures the position of that target. The position of the target is determined using data gathered from a plurality of spatial sensors. The claims have been amended to clarify these points, as noted above.

Further, McGivern does not disclose an instrument including a plurality of spatial sensors and also does not disclose an instrument for determination of the position of a target. Also, the use of asynchronous power supply to the various measuring devices has a number of advantages shown in the present invention but not appreciated by McGivern, including but not limited to the peak battery current and noise levels being reduced. These advantages are particularly important for making sensitive measurements and, it is believed, would have no import in a hunting sight.

As is known by persons having ordinary skill in the art, in cameras and other measuring devices (such as a compass or laser distance meter) that do not use the teachings of the present invention, RF noise is produced. This noise will typically

interfere with the GPS noise floor thereby reducing the accuracy of measurements made. Similarly, currents within the instruments create magnetic noise which interferes with accurate measurements from the compass. Appropriate asynchronous switching of the measuring devices, as taught in the present invention, reduces noise levels while sensitive measurements are made.

As a result, it is believed that the present invention, as presently claimed in the independent claims as amended overcomes the above noted deficiencies and is not taught by McGivern. As the independent claims are not anticipated it is suggested that the claims dependent thereon, which add additional limitations, are also not anticipated.

The Office Action has rejected claim 82 under 35 USC Section 103(a) as being unpatentable over McGivern (above) in view of Kashani (U.S. PG Pub No. US 2002/0032875). As noted above, the present invention as claimed is not taught by McGivern. The teachings of Kashani, relied upon by the Office Action, do not provide those elements which would cause the combination of McGivern and Kashani to make the teachings of claim 82 obvious.

Specifically, Kashani relates to control of peripheral devices for increased battery life and to remove the need for external power supplies for those peripheral devices. The Office Action relies on this document mainly in objecting that the handshaking lines of claim 82 are obvious. Whether or not such is true does not overcome the deficiencies pointed out with respect to the McGivern disclosure. As such, the addition of the teaching of Kashani to the McGivern disclosure does not make claim 82 obvious.

Applicant respectfully submits that neither McGivern nor McGivern in combination with Kashani teach the invention of the present invention nor does the combination make the invention obvious.

Applicant has reviewed the Office Action's notice that its submission of foreign art is deficient; a review of the files for this application on private PAIR shows that the foreign references are present. Applicant therefore, respectfully requests some specific instruction as to which of the submitted references are deficient.

It is believed that the present amendments can be made without generation of additional fees. However, if the presentation of this Reply and Amendment generates any fees, or if any fees are due for the present application, the Commissioner is hereby authorized to charge any fees to deposit account number 23-0920 of Applicant's undersigned attorneys.

It is believed that no petition or other paper is required as a result of this Reply and Amendment, however, if any petition is required, Applicant would appreciate it if the Commissioner would consider this paper to encompass any such petition and requests that any fee for any such petition be charged to the above noted deposit account.

Serial No. 10/522,291
Applicant: Prentice et al.
Date: June 25, 2008
Page -11-

In view of the above arguments, Applicant suggests that the Application is in order for allowance, and requests that a notice of allowance issue. Continued examination is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Dan M. Gurfinkel', with a long horizontal flourish extending to the right.

Daniel M. Gurfinkel
Reg. No. 34,177

Date: 06/25/2008